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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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ANTHONY LEON SUMMERS,

Plaintiff,

*versus*UNITED STATES OF AMERICA, *et al.*

Defendants.

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CIVIL ACTION NO. 1:22-CV-108

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Anthony Leon Summers, a prisoner previously confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the United States of America, Greg Abbott, Ken Paxton, Chris Love, Bryan Collier, Patrick O'Daniel, Tara Burson, Sergio Perez, Jr., Heather Glover, Caleb Burson, Carlos Applewhite, the University of Texas Medical Branch at Galveston, the Texas Board of Pardons and Paroles, and John Whitmire.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommended dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff has not alleged specific facts from which the court could conclude that the actions of the named Defendants placed Plaintiff in imminent danger of serious physical injury. As a result, Plaintiff may not proceed *in forma pauperis*. Further, Plaintiff has not paid the \$402.00 filing fee as he was ordered to do. (Doc. #19.) Accordingly, this action will be dismissed.

### ORDER

Accordingly, Plaintiff's objections (#23) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#19) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 27th day of April, 2023.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE